

REMARKS

This application has been carefully reviewed in light of the final Office Action dated January 31, 2005. Claims 1 to 20, 22 to 39, 41 to 57 and 59 are in the application, of which Claims 1, 15, 23, 34, 42 and 52 are independent. Reconsideration and reexamination are respectfully requested.

Applicants' undersigned representative wishes to thank the Examiner for the courtesies and thoughtful treatment afforded during the April 4, 2005, telephonic interview with the Examiner. The amendments made herein are based on the proposed amendment discussed during the interview. The remarks herein accurately summarize the content of the interview.

In the Office Action, Claims 1 to 14, 23 to 33 and 42 to 51 were rejected under 35 U.S.C. § 103(a) over U.S. Patent 5,923,906 (Zander) in view of a press release entitled "Kodak to Sponsor Imaging Center at Olympics" (hereinafter "Kodak"); and Claims 15 to 20, 22, 34 to 39, 41, 52 to 57, and 59 were rejected over Zander in view of Kodak and further in view of U.S. Patent 6,337,712 (Shiota).

The rejections are respectfully traversed. As explained at the interview, one difference between the claimed invention and the cited art is that the claimed invention involves renting a digital storage medium and both Zander and Kodak involve renting cameras.

In this regard, at the interview Applicants proposed amending the claims to emphasize that the rented digital storage medium is for insertion into a data acquisition device. The Examiner reacted positively to the proposed amendment and correctly recognized that any rental of a digital medium in the Kodak system was incidental to rental

of a digital camera in which it was already inserted. He suggested that Applicants submit an Amendment. Applicants believe the amendments made herein to the independent claims accurately reflect the amendment proposed during the interview.

Thus, the invention concerns rental of a removable storage medium and involves loaning of the removable digital storage medium to a customer for insertion into a digital data acquisition device such as a digital camera, receiving a return of the removable digital storage medium from the customer, and processing the digital data stored on the returned removable digital storage medium. By virtue of the foregoing, in which a removable storage medium is loaned for insertion into a data acquisition device, a convenient rental system is provided. For example, a removable digital storage medium can be rented to a customer who has a digital camera, but has filled the camera's image storing capacity with images. Insertion of the rented removable digital storage medium permits the customer to take more pictures even if he does not have access to a personal computer (or other means) to which the already-stored images can be offloaded.

In the rejection of the independent Claims 1, 15, 23, 34, 42 and 52, the Office Action relies on Zander and Kodak; however, these references are directed to the rental of cameras, not rental of digital storage media. Zander is a film-based system and its relevance to the invention is still not understood and is therefore disputed for the reasons of record. As for Kodak, although it is probably true that a digital camera rented from the Kodak system includes a digital storage medium, any such medium is pre-loaded in the camera. As such, it cannot fairly be said that Kodak describes a rental of digital storage media, nor can it fairly be said that Kodak loans a removable storage medium to a customer for insertion into a digital data acquisition device.

Shiota is not seen to add anything to Zander or Kodak. Specifically, Shiota is not in any way concerned with renting or loaning, much less renting a removable digital storage medium for insertion into a digital image acquisition device.

The other claims in the application are dependent from the independent claims discussed above and therefore are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendment and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Turning to a first formal matter, paragraph 40 on page 9 of the Office Action dated August 24, 2004, indicates that Japan 2001-325568 is the "best foreign prior art" and that it "discloses a digital camera vending and processing system". Applicants again respectfully point out that Japan 2001-325568 is not "prior" art, since it was published after the filing date of the subject application; its content is therefore of no moment. A brief investigation shows that there is a corresponding English-language publication at U.S. Patent Application Publication 2001/0041987 (Ichikawa, hereinafter "the '987 published application"). The '987 published application was filed in the United States on April 30, 2001, and is therefore also not "prior" art. For completeness of the record, it is respectfully requested for the Examiner to list the '987 published application on a form PTO-982, so that the '987 published application is listed on the face of any patent to issue from the subject application. This is a second request.

Turning to a second formal matter involving the drawings, it is respectfully requested that the Examiner give his approval of the formal drawings filed with a Letter dated May 21, 2001. This is a second request.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
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